

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER ELLIOTT,

Plaintiff,

v.

R. EHLERS, et al.,

Defendants.

No. 2:22-cv-1040 TLN KJN P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. On March 28, 2023, the undersigned recommended that this action be dismissed based on plaintiff's failure to file a second amended complaint. On April 10, 2023, plaintiff filed objections to the findings and recommendations, stating only that he is "sending [his] mail out 'legal' mail and [does not] know why the courts are not getting it." (ECF No. 18 at 1.) However, plaintiff does not claim he sent a second amended complaint to the court as required by the extension granted by the January 25, 2023 order. (ECF No. 15.) Plaintiff did not provide a copy of any second amended complaint if he did send one. Further, this court has received a number of filings by plaintiff, including his objections. (ECF Nos. 10, 12, 14, 16, 18.)

In any event, this action cannot proceed without an operative pleading on file. In an abundance of caution, plaintiff is granted fourteen days to file a second amended complaint that complies with the November 21, 2022 order. The court is not inclined to grant any further

1 extensions of time. Moreover, the March 28, 2023 findings and recommendations will be held in  
2 abeyance. If plaintiff does not file a timely second amended complaint, the findings and  
3 recommendations will be forwarded to the district court for review and adoption.

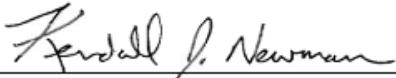
4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Plaintiff is granted fourteen days from the date of this order to file a second amended  
6 complaint that complies with the November 21, 2022 order;

7 2. If plaintiff fails to timely file the second amended complaint, the March 28, 2023  
8 findings and recommendations will be forwarded to the district court for review and adoption.

9 3. The Clerk of the Court shall send plaintiff the form for filing a civil rights complaint by  
10 a prisoner.

11 Dated: April 17, 2023

12   
13 KENDALL J. NEWMAN  
14 UNITED STATES MAGISTRATE JUDGE

15 /elli1040.eot.f  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28